



Administrative Memorandum

Nebraska Supreme Court
State Court Administrator
P. O. Box 98910
Lincoln, NE 68509
402-471-3730

DT: March 2005

RE: Administrative Memorandum 05-003

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*John V. Hendry,
Chief Justice*

*Janice K. Walker
Acting State Court Administrator
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Administrative Memoranda available at www.nebraskacourt.com under "Court Administrator's Office" on the main page, left hand menu.

◆ COURT SECURITY MESSAGE FROM THE NATIONAL CENTER FOR STATE COURTS

The NCSC would like to provide information about court security in light of recent incidents of violence against judges. These types of shootings are rare. This is why they are newsworthy. When violence does occur, it is usually in a family-type case where emotions are high and the setting is more informal (say, a hearing, where there is no bailiff and less security generally). Domestic violence may occur outside the courthouse, too, in parking lots and surrounding areas.

Another setting in which violence may occur is in court annexes, which have less security than courthouses and courtrooms themselves. (Recall the Minnesota shooting a year or so ago where the courthouse was secure from the street level, but the walkway over the street from the correctional center to the court building was not as secure.)

Courts tend to think they are safe until something happens—so, they may not see the need until it's too late. This changed somewhat after 9-11, though, especially for federal courts and state courts in large metro areas. Comprehensive security procedures and 100% compliance are critical to protecting the personnel and public in our courthouses. Moreover, funding and adequate staffing for courts are **essential** to ensure compliance with any policies that are promulgated.

The Conference of State Court Administrators (COSCA) is in the process of collecting security information from all the states. The idea is to identify essential security areas and components for courts. The information will eventually be compiled into a self-help guide for courts. Information is often collected at the county level, so the state-level collection of information is important.

For additional information:

Read attached article on court security from the Winter 2000 "Court Review"

Ct. Security Office

U.S. A.O.C.

1 Columbus Circle, Suite G-310

Washington, DC 20544

202-502-1280

* This office coordinates all the U.S. Marshalls and security services and policy for the federal courts.

National Sheriff's Association

Alexandria, VA

800-424-7827

◆ **INSIGHT EMPLOYEE ASSISTANCE PROGRAM**

Traumatic Stress

If you were threatened with death or bodily harm, or witnessed the death or bodily harm of another person, or at least the threat of it, you have experienced a traumatic event. Emergency workers also call these “critical incidents.” They produce traumatic stress.

Just like a physical injury that should receive treatment, studies show that traumatic stress should be managed to prevent harmful effects on health and well-being. If stress symptoms emerge or linger after a traumatic event, and you deny their existence or minimize their importance, you increase the risk of an acute stress reaction and a stress induced illness.

Fortunately, most people recover from traumatic stress symptoms, but some do not. These people may incur Posttraumatic Stress Disorder (PTSD). PTSD is a debilitating illness that follows a traumatic event. It is diagnosed when traumatic stress symptoms persist for more than one month after the event. PTSD can adversely affect your personal life and job functioning.

What your EAP - InSight - can do:

The EAP can help you evaluate the effect of a traumatic event on your life and can offer suggestions about how to bounce back. Traumatic events may include accidents and close calls, natural disasters, sexual assault, past childhood sexual abuse, and many forms of victimization. The EAP can also discuss symptoms with you and provide more information about resources and counseling help.

For more information, please contact The InSight Program, P.C., by calling 800-488-1043. They are located at 8101 'O' Street, Ste. 214, Lincoln, NE 68501.

◆ **DIRECTOR OF DISPUTE RESOLUTION/RURAL COURT PROGRAMS BEGINS WORK**

The new Director of Dispute Resolution/Rural Court Programs, Debora Brownyard, began work in Lincoln on March 16. To contact the office call:

Debora Brownyard, Director, 402-471-2766
Rachel Lempka, ODR Office Support, 402-471-3148

Or write:

Dispute Resolution and Rural Court Services
521 So. 14th Street, Ste. 200
Lincoln, NE 68508

◆ **APRIL IS MEDIATION MONTH**

According to this year's gubernatorial proclamation, April's Mediation Month is to be celebrated with the understanding that the Nebraska Mediation Center Association and the Office of Dispute Resolution have professionally trained volunteer mediators across the state of Nebraska who have provided nearly 50,000 hours of service to more than 70,000 citizens; each of whom received assistance regardless of their ability to pay.

The Nebraska Mediation Center Association, comprised of six approved mediation centers has been providing access to mediation and other conflict resolution services for over thirteen years to citizens in every county in Nebraska.

Center Directors are:

Pam Cooper	Center Conflict Resolution	Scottsbluff	(308) 635-2002
Lynne Favinger	Central Mediation Center	Kearney	(308) 237-4692
Mary Lee Brock	Concord Center	Omaha	(402) 345-1131
Kathy Morgan	Nebraska Justice Center	Walthill	(402) 846-5576

Kristin Ostrom	Satellite Office (NJC)	Fremont	(402) 753-9415
Terry Thompson	Satellite Office (NJC)	Atkinson	(402) 925-2044
Kelly Phipps	The Mediation Center	Lincoln	(402) 441-5740
Judy Pingel	The Resolution Center	Beatrice	(402) 223-6061

◆ **POLICY ON OVER/UNDER PAYMENTS – COUNTY COURTS**

Each county court should establish a separate trust account ledger for recording overpayments. When an overpayment is received and the payor is not present, record the overpayment in the trust account ledger. Hold overpayments for three years and then remit to the Nebraska State Treasurer as Unclaimed Property.

Each court should establish a policy on underpayments when the payor is not present. When an underpayment occurs, the court should follow its local policy.

This policy replaces the May, 1997 directive on over/under payments.

Contact Janice Walker, Acting State Court Administrator, 402-471-2764, for more information.

◆ **POLICY ON FEES FOR PREPARATION OF BILLS OF EXCEPTIONS, TRANSCRIPTS AND PHOTOCOPIES OF COURT DOCUMENTS**

Except for requests by Nebraska State Probation, county courts shall collect statutory fees for preparation of all bills of exceptions and transcripts of testimony, and for copies of the same, from all requesting parties, including governmental entities. County courts shall collect statutory fees for all photocopies and certified photocopies of documents from court files.

If any person or agency objects to making such payment, or if a situation arises where the policy produces an unjust result, the matter should be referred to the Administrative Office of the Courts for resolution.

Some governmental agencies may have a statutory right to receive free photocopies. These situations will be reviewed by the Administrative Office of the Courts as they arise.

Contact Janice Walker, Acting State Court Administrator, 402-471-2764, for more information.

◆ **REPORTS AVAILABLE ON THE INTERNET**

- 2004 Annual Caseload Reports for All Nebraska Courts
- County Court Caseload Per Full-Time Employee Report

If you are interested in printing or viewing the reports, go to: www.nebraskacourt.com, click on: Court Administrator's Office, then on: Administrative Reports.

◆ **JUROR CERTIFICATES FOR NEBRASKA COURTS**

Juror Appreciation Week, May 2 – 6

Juror Appreciation Certificates have been mailed to all trial courts. Courts may choose to use the new certificates, use their existing process (if they have already established a program), or create their own. The program information mailed by the Supreme Court includes a model distribution program. If you need any help, feel free to call Janet Bancroft, Public Information Officer, 402-471-3205.

◆ **JUROR APPRECIATION KIT**

The American Bar Association Commission on the American Jury has developed the Juror Appreciation Kit. The kit includes various appreciation activities to help courts devise programs that will honor local citizens who serve

as jurors. You can download the kit in its entirety or by section as .pdfs. To print the information, go to: www.abanet.org/jury/jurorkit.html. The printable sections include:

Entire Juror Appreciation Kit

Part One: Cover; Outreach activities & ideas

Part Two: Sample resolution; Certificate of Appreciation

Part Three: Samples: Op-Ed article; Guest editorial, Radio spots, Press release

Part Four: Available poster

◆ JURY SURVEYS

Thanks to all judges and clerks of the district court who completed the recent Jury Survey for Nebraska. If you have not faxed or mailed your form yet, please do so as soon as you can.

The reason for the survey is that the National Center for State Courts (NCSC) has undertaken its National Program to Increase Citizen Participation in Jury Service, a multi-phase project designed to promote public awareness and understanding of jury service and to support state and local courts in their efforts to improve the jury system.

One objective of this project is to document state and local law, policy, and practice concerning jury system management and jury trial procedures. To accomplish this objective, NCSC staff is surveying a number of courts across the state to obtain an accurate picture of local jury practices. All responses will greatly assist the effort.

Please contact Janet Bancroft, Public Information Officer, 402-471-3205, if you have any questions.

◆ LAW DAY JOB SHADOWING PROJECT FOR FIFTH GRADERS UNDERWAY

Local court employee coordinators for the third annual statewide Law Day Job Shadowing program have offered their services to the community once again. The project, a co-sponsored event through Nebraska Supreme Court and the Nebraska State Bar Foundation, is now held annually throughout the state. Since May 1 falls on a Sunday this year, coordinators are encouraged to schedule local events at their discretion during the week of April 25.

The following are included among the coordinator activities:

- Inviting and confirming host lawyers and judges
- Serving as the liaison between the hosts and the classroom teacher
- Disseminating a suggested activities sheet to hosts for the day of job shadowing
- Facilitating communication
- Documenting the activity

If you are not already committed to a Job Shadow Project, please help by agreeing to participate if a coordinator in your area calls.

If you have any questions, contact Janet Bancroft, Public Information Officer, 402-471-3205.

◆ JUDICIAL FINANCIAL INTEREST STATEMENTS DUE MAY 1ST

Judges, Full-Time Clerk Magistrates and Child Support Referees

Remember to file your Judicial Financial Interest Statement for the year ending December 31, 2004, no later than May 1 with this office. If you have misplaced your form and need another, it is available on our website at <http://court.nol.org/rules/JFIS.pdf> or by calling Marcie Brush, Administrative Assistant, 402-471-2249.

◆ JUDICIAL BRANCH EDUCATION

Please mark your calendars for the following in-state programs to be held in 2005:

- **County Judges Annual Meeting**, June 28 – 30, North Platte, Sandhills Convention Center
- **Dist. Judges/Sep. Juv. Judges/Off. Court Reporters Annual Meeting**, June 8 – 10, Omaha, Marriott Hotel
- **Clerk Magistrates Annual Meeting**, September 28 – 30, South Sioux City, Marina Inn Conference Center
- **Fall Judges Meeting/NSBA Annual Meeting**, November 9 – 11, Lincoln, Cornhusker Hotel

Registration will be available online beginning April 15, 2005. (Mailings for all those who do not wish to register online will be sent that day as well.)

If you have any questions, please contact Philip D. Gould, Director, Judicial Branch Education at 402-471-3072 or pgould@nsc.state.ne.us.

◆ JUDICIAL RETIREMENTS & RESIGNATIONS

Maurice S. Redmond, District Court Judge, 6th Judicial District, is resigning effective April 1, 2005.

Gary F. Hatfield, County Court Judge, 5th Judicial District, is retiring effective April 1, 2005.

◆ ASSOCIATE ADMINISTRATOR FOR TECHNOLOGY, JOHN CARIOTTO, RETIRES

One of the original developers of JUSTICE (Judicial Users System to Improve Court Efficiency) John Cariotto, retired on March 18 after 28 years with the Supreme Court. He has served as both Clerk of the Supreme Court and Associate Administrator for the state court system. Mr. Cariotto has been active in the criminal justice data collection area for the past several years. He was instrumental in building a computer interface to pass information from the court's automated system to the Department of Motor Vehicles, the Nebraska Crime Commission and other agencies. He also worked extensively with HHSS in the transfer of electronic information regarding child support collections. His most recent accomplishment was overseeing the process of transferring court information to Nebrask@ Online where it is accessible to the general public.

◆ 2005 COUNTY COURT PRESIDING JUDGES

<u>District</u>	<u>Judge</u>
1	J. Patrick McArdle
2	Todd Hutton
3	Mary Doyle
4	Thomas McQuade
5	Frank Skorupa
6	C. Matthew Samuelson
7	Philip Riley
8	Gary Washburn
9	David Bush
10	Michael Offner
11	Carlton Clark
12	Charles Plantz

◆ NOTICE OF COMMENT PERIOD

Second Revised Version of the Proposed Nebraska Rules of Professional Conduct

On February 17, 2004, the Nebraska State Bar Association (NSBA) filed a "Petition to Adopt Rules of Professional Conduct Governing Attorneys," Case No. S-36-040001, in which the NSBA requested that the Nebraska Supreme Court adopt the proposed Nebraska Rules of Professional Conduct and repeal Nebraska's Code of Professional Responsibility.

On April 2, 2004, the proposed rules were initially published for comment by the Supreme Court for a period which ran until July 16, 2004. Thereafter, the Court considered the proposed rules as submitted by the NSBA and all comments received. Principal revisions were made to the following rules:

Rule 1.1(b); Rule 1.5(b); Rule 1.6(b)(1); Rule 1.6(c); Rule 1.6 at Comment [6];
Rule 1.9 (d), (e), and (f); Rule 1.15 (a); Rule 1.17(b) and Comment [8];
Rule 3.3(a)(3) and Comments [10] and [11]; and Rule 6.1 at Comment [5].

On January 28, 2005, the Court published the revised Proposed Nebraska Rules of Professional Conduct for comment for a period ending on March 14, 2005. Following that comment period the Court reviewed all

comments and has revised the proposed rules a second time. The following revisions to the rules are now proposed by the Court:

- (1) Rule 1.6(b)(1) as originally proposed by the NSBA was reinstated and the Court's proposed Rule 1.6(c) and proposed revisions to Comment [6] were deleted;
- (2) Rule 1.9(d) and Comment [6] related thereto were revised; and
- (3) Rule 7.2(b)(4)(i) and (ii) and Comment [8] were reinstated into that rule.

The above revisions are shown by highlighting, underscoring, or strikeouts. Prior revisions unaffected by these latest changes appear again in this second revised version of the rules.

The Nebraska Supreme Court invites interested persons to comment on the second revised version of the Proposed Nebraska Rules of Professional Conduct. Anyone desiring to comment on this second revision of the proposed rules should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, NE 68509-8910, or via e-mail to las mussen@nsc.state.ne.us, no later than Friday, May 20, 2005.

The full text of the second revised version of the Proposed Nebraska Rules of Professional Conduct is available at the Nebraska Supreme Court's Web site address, <http://court.nol.org/rules/>. **Click on the rule number in the Table of Contents to drop down to the page on which the rule appears; scroll down to find the beginning of that rule.** A hard copy of the second revised version of the proposed rules may be obtained from the NSBA by sending a request by mail to the Nebraska State Bar Association, Jane Schoenike, P.O. Box 81809, Lincoln, NE 68501-1809, or via e-mail to jschoenike@nebar.com.

◆ WORK ETHIC CAMP DEMOGRAPHICS

Statistics as of February 28, 2005

Grand Total Admissions, April 30, 2001 – February 28, 2005.....	862
Total Current Count in the Program as of February 28, 2005	83
Total Completed Successfully Since 2001.....	639
Total Removed from the Program Since 2001.....	140

Counties Sending Offenders and How Many Sent

Adams	35	Dawes	3
Antelope	2	Dawson	16
Box Butte	8	Dodge	33
Buffalo	22	Douglas	188
Burt	4	Fillmore	11
Butler	7	Franklin	3
Cass	15	Furnas	4
Cheyenne	10	Gage	24
Clay	8	Gosper	2
Colfax	3	Greeley	2
Cuming	3	Hall	54
Custer	10	Hamilton	7
Dakota	21	Hitchcock	3

Holt.....	4	Nuckolls	4
Howard.....	4	Otoe	6
Jefferson.....	6	Phelps.....	14
Johnson.....	10	Pierce.....	2
Kearney.....	3	Platte.....	8
Keith	2	Richardson.....	9
Kimball.....	2	Red Willow	27
Lancaster.....	91	Saline	11
Lincoln	11	Sarpy.....	33
Madison.....	17	Saunders.....	21
Merrick.....	6	Scotts Bluff.....	21
Morrill.....	9	Sheridan.....	6
Nance	4	Thayer.....	3
Nemaha.....	8	Washington	7

1 from each as follows: Boone, Cedar, Cherry, Dixon, Dundy, Garden, Grant, Harlan, Hayes, Perkins, Polk, Seward, Valley, Wayne, Webster counties.

Offenses

Theft or Burglary Offenses.....	393
Drug Offenses	328
Forgery/UL use of UL use of Trans.	
Device/Issuing a Bad Check.....	47
Other – Criminal Mischief, Terroristic	
Threats, Escape, Etc.	94

Gender

Total Males.....	744
Total Females	118

Age

Age Range	16 – 48 years
Average Age	21 – 25 years

Race

Caucasian	661
African American.....	113
Hispanic.....	61
Native American.....	16
Asian American	7
Other	4

Substance Abuse

Total Offenders Treated.....	792
Percentage Treated for Substance Abuse.....	92%

Programming

Each offender attends an average of **225** hours of programming class time (cognitive behavior, job preparation skills, life skills, problem solving and parenting classes) during a minimum 120-day stay at the Work Ethic Camp. Offenders who need Substance Abuse treatment and/or ABE/GED will spend more time in classes or groups.

Education

Total Needing ABE/GED Upon Admission	438
Lowest Education Level	7 th Grade
Highest Education Level	College Junior
Total Who Have Received GED while at WEC.....	162

Road Crew Hours

Grand Total, April 30, 2001 – February 28, 2005	140,807
Total Hours, Calendar Year 2004	44,091

Chemical Dependency Update

The Work Ethic Camp is pleased to announce that the Substance Abuse Program will be upgraded to an intensive outpatient level of treatment. This process began on March 14, 2005 and will be fully in place by July 1, 2005. Substance Abuse staff consisting of one licensed alcohol and drug counselor, four licensed provisional alcohol and drug counselors and one chemical dependency treatment specialist will monitor the program.

The offenders in the Intensive Outpatient Treatment Program will receive twelve hours per week (192 total hours) of group counseling and lectures plus additional individual counseling to develop treatment planning and discharges. The treatment will focus on cognitive and behavioral aspects of chemical dependency as well as 12-step work. If you would like more information regarding this program, please contact Phil Meyer, WEC Program Director at 308-345-8405.

◆ FILING AND REPORTING REQUIREMENTS

Judicial Financial Interest Statements: Due May 1 for all full-time individuals subject to the Judicial Code of Conduct.

Statement for Payment of Interpreters: Interpreter to submit between the 1st and 7th day of each month.

Judges' Cases Under Advisement Reports: Due by the 5th day of each month (reports are compiled and submitted to the Supreme Court).

Court Reporter Timesheets: Due by the 5th day of each month (judges are to sign time sheets prior to submission).

Permanently Assigned Vehicle Logs: Due by the 5th day of each month.

Report of Probate Cases Pending: Due by the 10th day of each month.

Court Caseload Monthly Statistic Reports: Due by the 10th day of each month.

County Court Time Sheets: Due by the 10th day of each month.

Stenographer Transcription Reports: Due by the 10th day of each month.

Cash Drawer Short/Long Transactions (County Court only): Due by the 10th day of each month.

Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher).

◆ JUSTICE TRAINING OPPORTUNITIES

- County Court, April 11 – 15, Lincoln
- District Court, April 12 – 14, North Platte
- County Court, May 16 – 20, North Platte
- District Court, May 24 – 26, Lincoln

Complete training calendars for 2005 can be found online:

- County Court Calendar: http://court.nol.org/community/cc_justice_train_cal.pdf
- District Court Calendar: http://court.nol.org/community/dc_justice_train_cal.pdf

Contact Marcie Brush, Administrative Assistant, at 402-471-2249, for registration information.